

EXHIBIT 1

117 Congress
2d Session

COMMITTEE PRINT REPORT

CP 117-8
PART I

INVESTIGATION OF COMPETITION IN DIGITAL MARKETS

MAJORITY STAFF REPORT AND RECOMMENDATIONS

SUBCOMMITTEE ON ANTITRUST,
COMMERCIAL, AND ADMINISTRATIVE LAW
OF THE COMMITTEE ON THE JUDICIARY OF
THE HOUSE OF REPRESENTATIVES

PART I

JERROLD NADLER, CHAIR, COMMITTEE ON THE JUDICIARY

DAVID N. CICILLINE, CHAIR, SUBCOMMITTEE ON ANTITRUST,
COMMERCIAL, AND ADMINISTRATIVE LAW



ORIGINALLY RELEASED OCTOBER 2020
ADOPTED BY COMMITTEE APRIL 2021
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**VIII. APPENDIX: ADDITIONAL VIEWS OF
MEMBERS OF JUDICIARY COMMITTEE**

DISSENTING VIEWS

Big Tech poses an existential threat to freedom of speech and freedom of thought in the United States. But Americans should not understand this staff report as the bipartisan, formal conclusion of the Committee on the Judiciary. Instead, this staff report is a document prepared exclusively by Democrats who fundamentally refuse to believe that Big Tech is systemically biased against conservatives. If Congress is going to seriously examine and address Big Tech's biases, the abuses cannot be properly diagnosed by Democrat leaders who refuse to see the real problems.

During the Committee's consideration of the Democrats' final staff report—an exercise one senior Democrat Member called a “complete waste of time”—Republicans sought to add a single sentence to the Democrats' foreword. That amendment said:

In weighing this foreword and what follows, the American people should note that this document was prepared, drafted, and revised entirely by Democrats.¹

Although this amendment is accurate, every Democrat voted to reject it. Because Democrats seek to portray their report as the bipartisan, formal conclusions of the House Judiciary Committee, Republicans write briefly to set the record straight.

On October 6, 2020, Democrats posted a staff report online. It was substantively identical to the Democrats' final staff report taken up by the Committee. Republicans responded to the Democrats' staff report noting several concerns. Between October 6 and the date of the Committee's consideration of the staff report, Democrats did not address these Republican concerns. For example, the Subcommittee's investigation concerned “digital markets”—something clear from the staff report's table of contents describing “markets investigated,” and from the body of the staff report. However, despite the limited scope of the investigation, the Democrats' staff report concludes with a broad set of recommendations. If implemented, many of these recommendations would overhaul antitrust laws that apply to every sector of the American economy.

Democrats generally made these recommendations without citing—let alone accounting for and seeking to rebut—perspectives that conflict with them.² Failure to acknowledge and address conflicting perspectives is consistent with a partisan staff report. But a one-sided set of recommendations drawn from the hipster antitrust movement—and based on a limited investigation into *digital* markets—offers poor grounds for radically overhauling laws that affect every corner of the American economy.

Furthermore, both during the investigation and afterward, Democrats repeatedly refused to acknowledge Big Tech's bias against conservatives.³ Even in the weeks preceding

¹ “Final Report on Investigation of Competition in Digital Markets” – Amendment, Issa #3, *available at* <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=111451>.

² *See generally* Letter from Ranking Member Jordan to Chairman Nadler (Oct. 6, 2020), <https://republicans-judiciary.house.gov/wp-content/uploads/2020/10/2020-10-06-JDJ-to-Nadler-re-Tech-Investigation.pdf>.

³ *Id.*

consideration of their final staff report, Democrats remained dismissive of cancel culture in Silicon Valley. For example, a Democrat leading the Subcommittee's investigation recently said bias against conservatives is "not an actual problem."⁴ In fact, the Democrats' approach in their investigation and staff report suggests that they desire Big Tech to censor even more speech.⁵ By failing to take Republican views seriously, Democrats developed and presented a lopsided story about digital markets with little heed to a chief concern of conservatives.

That no Republican voted for the Democrats' staff report does not mean all is well for the Big Tech titans in Silicon Valley. Americans should note two other amendments that Republicans offered, which every Democrat on the Committee voted to reject.

First, Congressman Biggs offered the following language:

Congress must act now to overhaul section 230 of the Communications Decency Act. What Congress intended as a limited protection for tech companies has turned into the equivalent of a bomb shelter. Special treatment for Silicon Valley must stop. Until Congress overhauls this law, Big Tech's censorship of conservative voices and views will continue to plague the American people, undermine First Amendment values, and threaten individual liberties that are at the core of our democracy.⁶

All options to rein in Big Tech's abuses must be on the table. Overhauling section 230 would help to hold Big Tech accountable for its biases. In line with this proposed amendment, conservatives should continue to advance proposals that protect the values that undergird the First Amendment. And they should continue to fight Democrat policies that will lead to more censorship and further suppress free speech.

Second, in an amendment that began by quoting one of the witnesses in the investigation,⁷ Ranking Member Jordan offered the following language for the report:

Whether by de-platforming a President or shutting down Parler, shadow-banning conservatives or colluding with news media to bury the truth, Big Tech has time and again shown its agenda of advancing cancel culture. Because of that commitment and Big

⁴ Nihal Krishan, *'Not an actual problem': Top Democrat dismisses conservative censorship complaints*, WASH. EXAMINER (Feb. 25, 2021), <https://www.washingtonexaminer.com/news/democrat-dismisses-conservative-censorship-complaints/>.

⁵ See, e.g., Democrat final report, 66-67 (expressing concern about "expos[ure] to disinformation or untrustworthy sources of news online" and "propaganda").

⁶ "Final Report on Investigation of Competition in Digital Markets" – Amendment, Biggs #1, available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=111451>.

⁷ "Final Report on Investigation of Competition in Digital Markets" – Amendment, Jordan #2, available at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=111451> (quoting Mr. Clay Travis as saying: "[W]e are living in a new gilded age, where tech billionaires -- maybe soon to be trillionaires -- have more power than any elected official in the land. Facebook's Mark Zuckerberg, Twitter's Jack Dorsey, Apple's Tim Cook, Alphabet's Sundar Pichai and Amazon's Jeff Bezos have more power today than Andrew Carnegie, J.P. Morgan, John D. Rockefeller, and Henry Ford ever did in the earliest days of the 20th century. These modern day tech monopolists can pick presidential election winners, control our national debates, and decide whose voice is heard and whose voice is not heard. The Supreme Court no longer decides what the law of the first amendment is in this country, these tech executives do.").

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Tech's power, these companies represent an existential threat to American liberties. Big Tech must be stopped and special treatment for Silicon Valley must end. The Trump Administration took significant steps to rein in the power of these companies—steps the Obama-Biden Administration failed to take. The power of these companies should be broken up, and we hope the Biden Administration will continue the course established by the previous Administration.⁸

Not a single Democrat voted to add language to the staff report to support Ranking Member Jordan's call to break up the power of the Big Tech titans.

Republicans have important concerns about Big Tech's abuses and we offered significant amendments to the report related to these problems. But Americans cannot trust Democrats to address a problem—Big Tech's systemic bias and abuse against conservatives—that Democrats seek to embolden.



Jim Jordan
Ranking Member

⁸ *Id.*